CLINICAL LABORATORY PERSONNEL - R.S. 37:1311-1329

PART II. CLINICAL LABORATORY PERSONNEL

§1311. Short title

This Part shall be known and may be cited as the "Louisiana Clinical Laboratory Personnel Law".

Acts 1993, No. 396, 2, eff. Aug. 1, 1993.

§1312. Definitions

As used in this Part, the following terms shall mean the following, unless the context requires otherwise:

(1) "Approved school" means an accredited school which offers instruction in any area of the practice of clinical laboratory science approved by the committee and the board.

(2) "Board" means the Louisiana State Board of Medical Examiners.

(3) "Clinical cytotechnology" means the microscopic study or examination of body fluids, tissues, or cells desquamated from a body surface or lesion for the practice of clinical laboratory science, including but not limited to, detecting malignancy and microbiologic changes and the measurement of hormonal levels.

(4) "Clinical laboratory" means any building, place, or facility in which an operation and procedure for the biological, microbiological, serological, immunological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examinations of materials derived from the human body is performed to provide information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of human beings or for forensic testing. These examinations include, but are not limited to, procedures to determine, measure, or otherwise describe the presence or absence of various substances or organisms in the human body. A facility which only collects or prepares specimens, or both, or only serves as a mailing service and does not perform on site testing is not a clinical laboratory. A laboratory that performs workplace drug testing shall be covered under this definition unless such testing is specifically excluded from coverage under the Clinical Laboratory Improvement Amendments of 1988 and regulations promulgated thereunder.

(5) "Clinical laboratory personnel" means any and all individuals engaged in the practice of clinical laboratory science.

(6) "Clinical laboratory scientist-generalist" or "CLS-G" means an individual who performs clinical laboratory tests and procedures in all specialty areas of a clinical laboratory which require the exercise of independent judgment and responsibility, including but not limited to, the performance of all laboratory tests as stated in the Clinical Laboratory Improvement Amendments of 1988 and the rules and regulations promulgated pursuant thereto. The clinical laboratory scientist-generalist may perform the functions of all categories licensed in this Part with the exception of the cytotechnologist.

(7) "Clinical laboratory scientist-specialist" or "CLS-S" means an individual performing clinical laboratory science in one or more laboratory specialties and who performs functions directly related to such particular specialty or specialties as provided for in this Part in rules and regulations adopted by the board as recommended by the committee. The clinical laboratory scientist-specialist may perform the functions of the laboratory assistant and the phlebotomist without additional licensure or certification.

(8) "Clinical laboratory scientist-technician" or "CLS-T" means an individual who performs medical laboratory tests and procedures of high and moderate complexity as defined in

42 Code of Federal Regulations Part 493 et seq., which do not require the exercise of independent judgment or responsibility within any area of clinical laboratory science. The clinical laboratory scientist-technician shall perform tests and procedures of high complexity under supervision as defined in the Clinical Laboratory Improvement Amendments of 1988 and the rules and regulations promulgated pursuant thereto. The clinical laboratory scientist-technician may perform the functions of the laboratory assistant and the phlebotomist without additional licensure or certification.

(9) "Committee" means the Clinical Laboratory Personnel Committee to the Louisiana State Board of Medical Examiners established by R.S. 37:1314.

(10) "Cytotechnologist" means an individual responsible for examining cytopathological preparations which require the exercise of independent judgment and responsibility.

(11) "Laboratory assistant" or "LA" means an individual who performs medical laboratory tests and procedures under supervision by a licensed health care provider or laboratory director as defined in 42 Code of Federal Regulations Part 493 et seq. These medical laboratory tests and procedures performed by the laboratory assistant do not require the exercise of independent judgment or responsibility within any area of clinical laboratory science. The laboratory assistant may perform high complexity tests under supervision as stated in the Clinical Laboratory Improvement Amendments of 1988 and the rules and regulations promulgated pursuant thereto.

(12) "Nationally recognized certification examination" means an examination approved by the board upon the recommendation of the committee.

(13) "Phlebotomist" means an individual performing an invasive procedure to withdraw blood from the human body to collect samples for the practice of clinical laboratory science, including but not limited to, clinical laboratory testing for analysis, typing and cross-matching of blood for medical examination and human transfusion.

(14) "Practice of clinical laboratory science" means the performance by any individual, other than a physician licensed by the board, of laboratory testing, analysis, or examination of human specimens.

Acts 1993, No. 396, §2, eff. Aug. 1, 1993.

§1313. Exemptions to licensure

A. This Part shall apply to clinical laboratory personnel performing the practice of clinical laboratory science in a clinical laboratory in this state except those practicing in either:

(1) A clinical laboratory operated by the United States government.

(2) A nonprofit laboratory operated and maintained exclusively for instruction and research involving no individual patient or public health care service, provided the results of any examination performed in such a clinical laboratory are not used directly in the diagnosis, evaluation, or treatment of human disease or disorder.

B. This Part shall not apply to:

(1) Any physician licensed by the board to practice medicine.

(2) Any individual working under the direction and supervision of such a physician in an operating room, theater, emergency room, or intensive care unit.

(3) Any pulmonary function technician acting within the scope of performance of the practice of respiratory therapy.

(4) Any clinical perfusionist acting within the scope of practice of perfusion in the support, treatment, measurement, or supplementation of the cardiopulmonary and circulatory

system of an individual patient.

(5) Any individual licensed as a health care provider.

(6) Any other licensed allied health care professional.

C.(1) This Part shall not apply to any individual whose duties may include the performance of routine technical procedures under or eligible for a certificate of waiver in accordance with 42 Code of Federal Regulations Part 493 et seq., whether performed in a physician's office laboratory, a hospital's clinical laboratory or at the point of care, and which do not require the exercise of independent judgment or responsibility.

(2) An illustrative list of such routine technical procedures are:

(a) Dipstick or tablet reagent urinalysis (non-automated) for the following determination levels: bilirubin, glucose, hemoglobin, ketone, leukocytes, nitrite, pH, protein, specific gravity, or urobilinogen.

(b) Fecal occult blood.

(c) Ovulation tests - visual color tests for human luteinizing hormone.

(d) Urine pregnancy tests - visual color comparison tests.

(e) Erythrocyte sedimentation rate, non-automated.

(f) Hemoglobin-copper sulfate, non-automated.

(g) Blood glucose as determined by monitoring device approved by the Federal Drug Administration specifically for home use.

(h) Spun microhematocrit.

(i) Hemoglobin by single analyte instruments with self-contained or component features to perform specimen/reagent interaction providing direct measurement and readout.

(j) Any procedures performed under a certificate of waiver in accordance with the Clinical Laboratory Improvement Amendments of 1988 and the rules and regulations promulgated pursuant thereto.

D. This Part shall not apply to any individual performing phlebotomy or acting as a phlebotomist employed by or acting under the direction and supervision of a physician licensed by the board, a clinic operated by a licensed health care provider, a hospital, a nursing home, or other licensed health care facility.

E. This Part shall not apply to any individual whose duties may include demonstrating or instructing, or both, the use of any automated or digital instrument, device, machine, or similar mechanical equipment and related procedures utilized to assist in the practice of clinical laboratory science, provided the results furnished by such equipment during such a demonstration or instruction are not used in the diagnosis, evaluation, or treatment of human disease or disorder.

F. This Part shall not apply to individuals performing forensic testing and examinations of body fluids, tissues, cells, or blood solely for the purpose of law enforcement and the state's criminal justice system.

G. Any individual who is exempt from the requirement of licensure under this Part, but who meets the qualifications for licensure under this Part, including any individual performing clinical procedures for analysis of non-human specimens, shall be considered actively engaged in the practice of clinical laboratory science and may apply for licensure as provided in this Part.

Acts 1993, No. 396, §2, eff. Aug. 1, 1993.

§1314. Clinical Laboratory Personnel Committee; creation; membership; qualification; appointment; term; vacancy; officers; meetings; reimbursement

A. The Clinical Laboratory Personnel Committee is hereby created under the jurisdiction of the Louisiana State Board of Medical Examiners. The clinical laboratory personnel members of the committee shall reflect the rural and urban demographics of the state and no more than two clinical laboratory personnel committee members shall be domiciled in the same congressional district.

B. The committee shall consist of twelve members. The board shall appoint four members of the committee, subject to Senate confirmation, as follows:

(1) One physician, who shall be a rural family practitioner, appointed from a list of three names submitted by the Louisiana State Medical Society.

(2) One physician appointed from a list of three names submitted by the Louisiana Pathology Society.

(3) One hospital administrator appointed from a list of three names submitted by the Louisiana Hospital Association.

(4) One member of the board who shall not be a voting member of the committee and shall act as the committee's liaison to the board. The provisions of Subsections E and F of this Section and the requirement of Senate confirmation shall not apply to this member of the board.

C.(1) The governor shall appoint eight members of the committee, subject to Senate confirmation, as follows:

(a) One clinical laboratory scientist-generalist, who has been employed in a supervisory or administrative capacity.

(b) One clinical laboratory scientist-generalist, who has been actively engaged in clinical laboratory science education.

(c) One clinical laboratory scientist-generalist, not holding a degree above the baccalaureate level.

(d) One clinical laboratory scientist-technician.

(e) One clinical laboratory scientist-specialist appointed from a list of four names compiled by the submission of two names from each of the following two organizations:

(i) The Louisiana State Society for Medical Technology.

(ii) The Clinical Laboratory Personnel Association.

(f) One clinical laboratory scientist-generalist who is in a supervisory or administrative capacity appointed from a list of three names submitted by the Louisiana Hospital Association.

(g) One cytotechnologist appointed from a list of three names submitted by the Clinical Laboratory Personnel Association.

(h) One laboratory assistant who shall be a member of the International Society for Clinical Laboratory Technology appointed from a list of three names submitted by the Louisiana Hospital Association.

(2) Each clinical laboratory personnel member of the committee enumerated in Subparagraphs (a) through (d) of Paragraph (1) shall be appointed from four respective lists of six names each compiled by the submission of two names from each of the following three organizations:

(a) The Louisiana State Society for Medical Technology.

(b) The Clinical Laboratory Personnel Association.

(c) The Louisiana State Society of American Medical Technologists.

(3) The initial appointments shall include eight individuals eligible for licensure under this Part. Each member appointed to the committee shall be a resident of this state and shall

have been actively engaged in the practice of clinical laboratory science in his field of specialty or clinical laboratory science education for five years immediately prior to appointment. After January 1, 1995, all clinical laboratory personnel appointed to the committee shall be licensed under this Part.

D. The initial members of the committee shall be appointed no later than October 1, 1993. If any of the designated associations fail to submit a list of nominees by September 1, 1993, the board or governor shall appoint the respective member of the committee without the nomination list established by this Section.

E. Initial appointments to the committee shall be for terms as follows: the two physicians, two clinical laboratory scientist-generalists, one laboratory assistant, and the hospital administrator shall be appointed for two years; two clinical laboratory scientist-generalists and one clinical laboratory scientist-specialist, one clinical laboratory scientist-technician and the cytotechnologist shall be appointed for one year. Thereafter, a member shall serve for a three year term. No member shall serve more than two consecutive three year terms. No two members who are employed in the same clinical laboratory shall serve concurrently.

F. Any vacancy occurring in the membership of the committee shall be filled for the unexpired term in the same manner as the original appointment.

G. The board may remove any member for misconduct, incompetence, or neglect of duty, after a hearing and upon the recommendation by a majority vote of the committee and the board.

H. The committee shall hold its initial meeting no later than December 1, 1993, and shall meet at least semi-annually thereafter, on a date and at a time and place as it may designate. The committee may meet at such other times as deemed necessary by the chairman or by the majority of its members. Reasonable notice of all meetings shall be given in the manner prescribed by the committee. Six voting members of the committee shall constitute a quorum at any meeting for the transaction of business.

I. At the initial meeting of the committee, the committee shall elect from its membership a chairman and such other officers as it deems necessary to carry out the duties and functions of the committee. The board member sitting on the committee shall not be eligible to serve as an elected officer of the committee. Each officer shall serve a one year term. In the event an officer is unable to complete his term, the chairman shall appoint a successor to fill the unexpired term. Thereafter, the committee shall elect officers annually.

J. Each member of the committee shall receive reimbursement for actual expenses and mileage at the same rate set by the division of administration for state employees under the provisions of R.S. 39:231, for each day in actual attendance at committee meetings or for representing the committee in an official committee-approved activity.

Acts 1993, No. 396, §2, eff. Aug. 1, 1993.

§1315. Powers and duties of the committee

A. The committee shall:

(1) Not later than February 1, 1994, make recommendations to the board for rules and regulations to govern its actions as they relate to this Part. The board shall act upon the committee's recommended rules and regulations within sixty days from the date of receipt. In the event the board does not act upon such recommended rules and regulations within sixty days, such inaction shall constitute approval by the board of said recommended rules and regulations and the board shall promulgate such rules and regulations in the Louisiana Register not later than

April 20, 1994.

(2) As the administrative, technical, and specialty committee of the board, examine and recommend that the board license or certify, renew a license of or certificate of, and issue temporary licenses to duly qualified applicants for licensure or certification as clinical laboratory personnel and recommend to the board the denial, suspension, probation, restriction, or revocation of licensure or certification to any individual who violates the provisions of this Part.

(3) Recommend to the board rules and regulations which document the appropriate training and competency of clinical laboratory personnel who are engaged in the practice of clinical laboratory science in a clinical laboratory operated by a physician licensed by the board exclusively in connection with the diagnosis and treatment of his own patients. Such rules shall be based upon, and shall not exceed, the scope and standards contained in the Clinical Laboratory Improvement Amendments of 1988 and the rules and regulations promulgated pursuant thereto.

(4) Appoint at least three persons licensed or certified under this Part to assist in administering the examination for licensure or certification under rules and regulations recommended by the committee and adopted by the board. At least one of the appointed examiners shall be eligible for licensure or certification or be licensed or certified in the category in which the applicant is seeking licensure or certification in accordance with this Part.

(5) Recommend to the board for promulgation the minimum standards for the accreditation of educational programs to instruct individuals training to become clinical laboratory scientists and cytotechnologists.

(6) Recommend to the board criteria for approval of training programs for laboratory assistants in a hospital or clinical laboratory which programs are under the supervision of a laboratory director as stated in 42 Code of Federal Regulations 493.1405.

(7) Have the authority to examine and recommend to the board that it approve, deny, suspend, probate, restrict, or revoke the license or certificate of any clinical laboratory personnel after conducting disciplinary hearings of a licensee or certificate holder. The costs incurred by the committee for all such hearings, except criminal prosecutions, shall be paid by the board out of monies credited to the committee for the implementation of the provisions of this Part.

(8) Keep a record of all proceedings of the committee.

(9) Establish continuing education requirements for license renewal pursuant to the Administrative Procedure Act.

(10) Provide structured continuing education programs to assist clinical laboratory personnel to qualify for advanced licensure in other licensure categories and to fulfill the continuing education requirements for the following:

(a) Clinical laboratory scientist-generalist.

(b) Clinical laboratory scientist-specialist.

(c) Clinical laboratory scientist-technician.

(d) Cytotechnologist.

(e) Laboratory assistant.

(f) Phlebotomist.

(11) Recommend criteria for applicants who must complete employment requirements as in-training licensees to practice clinical laboratory science under supervision to be eligible for and successfully complete a nationally recognized certification examination as approved by the board upon recommendation of the committee.

(12) Recommend to the board criteria for the approval of other structured continuing education programs and methods, including but not limited to, video, audio, closed circuit and other electronic instruction, self-study materials, and health care provider in-service training.

(13) Establish a training program and recommend to the board criteria for the approval of other training programs to assist applicants for certification as a phlebotomist to successfully complete a certification examination approved or written and administered by the board.

(14) Annually publish and make available a register of all individuals licensed or certified under this Part, including the name and license or certificate number of each licensee or certificate holder.

(15) Have all other powers necessary and proper to the performance of its duties.

(16) Adopt a seal which shall be affixed to all licenses and certificates.

(17) Submit an annual report to the board containing the financial and professional recommendations of the committee during the past year.

B. The committee may:

(1) Recommend the establishment of a code of ethics for clinical laboratory personnel to be promulgated by the board pursuant to the Administrative Procedure Act.

(2) Recommend to the board that the committee employ an executive director and legal counsel as needed to carry out the provisions of this Part, fix their compensation, and define their duties.

(3) Recommend to the board that it seek injunctive relief to prohibit any unlicensed or uncertified individual from engaging in the practice of clinical laboratory science, or recommend to the board the issuance of subpoenas to require attendance, testimony, and the production of documents to enforce the provisions of this Part or any other legal process authorized under this Part.

(4) Recommend to the board that the committee employ such personnel as necessary to enforce the provisions of this Part and any rules and regulations promulgated pursuant to it relative to the practice of clinical laboratory science.

Acts 1993, No. 396, §2, eff. Aug. 1, 1993.

§1316. Receipts and disbursements

All monies collected by the board pursuant to this Part shall be deposited in the treasury of the board in the committee's account for the sole purpose of implementation of the provisions of this Part. All committee expenses shall be paid out of such funds only and shall not be charged to or be payable by the state. The financial records of the committee shall be audited annually by the legislative auditor or an independent auditor approved by the legislative auditor.

Acts 1993, No. 396, §2, eff. Aug. 1, 1993.

§1317. Committee and board immunity

There shall be no liability on the part of and no action for damages against:

(1) Any member of the committee or board, its agents or employees, or any member of a subcommittee appointed or designated by the committee or board, for action undertaken or performed by such individual within the scope of the duties, powers, and functions of the board, committee, or such subcommittee when such individual's action is without malice and in the reasonable belief that the action undertaken is warranted.

(2) Any individual providing information to the board or committee, its agents or employees, or to a subcommittee appointed or designated by the board or committee, without malice and in the reasonable belief that such information is accurate.

Acts 1993, No. 396, §2, eff. Aug. 1, 1993.

§1318. Licensure and certification; examination; application

A. Effective January 1, 1995, no individual shall act as, or perform the duties of a clinical laboratory scientist-generalist, clinical laboratory scientist-specialist, clinical laboratory scientist-technician, laboratory assistant, or cytotechnologist, unless that individual possesses a current license issued pursuant to this Part or is exempt from the provisions of this Part. Effective January 1, 1995, no individual shall act as or perform the duties of a phlebotomist unless that individual possesses a current certificate issued pursuant to this Part or is exempt from the provisions of this Part. Each license or certificate shall be effective for the calendar year beginning January first and ending December thirty-first in which it is issued.

B.(1) Each applicant for a license or certificate, except a laboratory assistant, shall successfully complete an examination recommended or administered by the committee and approved by the board, unless the applicant qualifies for licensure without examination as provided in this Part.

(2) Each applicant for a license as a laboratory assistant shall furnish sufficient evidence to the committee and the board of the applicant's appropriate training or level of competency in basic laboratory science. The board, upon the recommendation of the committee, shall promulgate rules and regulations establishing the amount and type of evidence an applicant shall furnish to the committee to be deemed competent for the purposes of licensure as a laboratory assistant.

C. Application for license or certification shall be on forms provided by the committee and board, shall be accompanied by the prescribed fee, and shall be issued for the laboratory personnel licensure category for which the applicant qualifies.

D. An applicant may be licensed, or certified, in each laboratory personnel licensure category for which he duly qualifies.

E. A certificate or license, except a temporary license, shall be valid for a period of one year, unless suspended or revoked.

Acts 1993, No. 396, §2, eff. Aug. 1, 1993.

§1319. Licensure without examination

A. Prior to January 1, 1995, any individual who desires to be licensed as a clinical laboratory scientist-generalist, clinical laboratory scientist-specialist, clinical laboratory scientist-technician, cytotechnologist, or laboratory assistant may qualify for licensure and shall be issued the appropriate license without examination, upon application on a form recommended by the committee and adopted by the board, payment of the required license fee, and submission of evidence of competency, such as successful completion of a certifying examination prior to August 1, 1993, satisfactory to the committee and the board that the applicant:

(1) Has been actively engaged in the category for which the license is requested for at least two full years within the three years immediately prior to the effective date of the adopted rules published in the Louisiana Register as provided in R.S. 37:1315(A)(1) and applies within twelve months thereafter;

(2) Has ceased to engage in the practice of clinical laboratory science, but was actively engaged in said practice in the category for which the license is requested for at least two full years immediately prior to inactivity, provided the applicant has not been inactive more than five years and makes application within twelve months after the effective date of the adopted rules are published in the Louisiana Register; or

(3) Was eligible for license without examination in accordance with the provisions of Paragraph (1) or (2) of this Subsection and at the time of initial publication of adopted rules in the Louisiana Register was in the military forces of the United States, provided such individual applies within twelve months after discharge.

B. The board, upon the recommendation of the committee, shall license or certify, without examination, and upon payment of the prescribed license or certification fee, an applicant for licensure who is duly licensed or certified in the same or comparable category for which he is applying for licensure or certification in this state under the laws of another state, territory, commonwealth, or the District of Columbia, if the qualifications for licensure of such applicant are at least equal to the qualifications provided in this Part.

Acts 1993, No. 396, §2, eff. Aug. 1, 1993.

§1320. License or certificate renewal; waiver of renewals while in the military

A. Each license or certificate shall be renewed annually, before January first of each year, by forwarding to the board a renewal application on a form recommended by the committee and adopted by the board accompanied by a renewal fee as provided in this Part. Each licensee or certificate holder, upon making application for renewal of a license or certificate, shall submit evidence of fulfillment of continuing education requirements satisfactory to the board.

B. The committee may recommend and the board may continue licensure or certification without application for renewal for any clinical laboratory personnel licensed or certified under this Part while the individual is in the active military service of the United States or any of its allies, upon notification by the licensee or certificate holder to the committee of that fact.

Acts 1993, No. 396, §2, eff. Aug. 1, 1993.

§1321. Fees; license, certification, renewal, delinquent

A.(1) Except as provided in Paragraph (3) of this Subsection, the license fee and the renewal fee, shall be as follows:

(a)	Clinical laboratory scientist (all categories)	$ 50.00
(b)	Cytotechnologist	$ 50.00
(c)	Laboratory assistant	$ 25.00

(2) Except as provided in Paragraph (3) of this Subsection, the phlebotomist certification fee, which includes the certification examination and the renewal fee, shall be twenty-five dollars.

(3) Fees collected by the board for licensure or certification and renewal to practice clinical laboratory science for calendar year 1997 and each year thereafter shall be fixed by the board upon the recommendation of the committee by rules and regulations promulgated pursuant to the Administrative Procedure Act, not to exceed the amounts established in Paragraphs (1) and (2) of this Subsection.

B. A delinquent fee of not more than fifty dollars, in addition to the renewal fee, shall be collected if a license or certificate is not renewed by February first of each year.

C. The fee for issuing a duplicate license or certificate shall not exceed ten dollars.

D. An individual whose license or certificate has lapsed and who has not been actively engaged in the practice of clinical laboratory science for not more than seven years may have his license or certificate reinstated upon payment of the renewal fee and the delinquent fee and submission of evidence satisfactory to the board that he has fulfilled continuing education requirements as promulgated by the board upon recommendation of the committee.

Acts 1993, No. 396, §2, eff. Aug. 1, 1993.

§1322. Temporary license; limited renewal; fee

A. An applicant for a license as a clinical laboratory scientist-generalist, clinical laboratory scientist-specialist, clinical laboratory scientist-technician, or cytotechnologist who has fulfilled the educational qualifications to take the licensing examination may be granted a temporary license to engage in the practice of clinical laboratory science in the category for which he is qualified until six weeks after the date of the next licensing examination. In the event the applicant for a license as a clinical laboratory scientist-generalist, clinical laboratory scientist-specialist, clinical laboratory scientist-technician, or cytotechnologist does not successfully complete the licensing examination, that applicant's temporary license may, at the discretion of the committee, be renewed once until six weeks after the subsequent licensing examination.

B. The fee for a temporary license shall be the fee required for the category in which the license is issued as governed by R.S. 37:1321, pro-rated for the portion of the year until the next license examination.

Acts 1993, No. 396, §2, eff. Aug. 1, 1993.

§1323. Qualifications of clinical laboratory scientist-generalist; clinical laboratory scientist-specialist; clinical laboratory scientist-technician; cytotechnologist; laboratory assistant; and phlebotomist

A. Each applicant for licensure as a clinical laboratory scientist-generalist shall meet one of the following requirements:

(1) Possess a baccalaureate degree from an accredited college or university, fulfill the educational requirements necessary to enroll in a school of medical technology, complete one year of full-time clinical laboratory experience, or its equivalent, in an approved school of medical technology, and successfully complete a nationally recognized certification examination, as approved by the board upon recommendation by the committee. The required year of full-time clinical laboratory experience may be included in the curriculum for the baccalaureate degree or may be post-graduate.

(2) Complete the educational, clinical, and employment experience requirements, if any, necessary to be eligible for and successfully complete a nationally recognized certification examination, all of which are approved by the board upon recommendation by the committee.

(3) Meet the requirements for licensure without examination as provided in R.S. 37:1319.

B. Each applicant for licensure as a clinical laboratory scientist-specialist shall possess a doctoral, master, or baccalaureate degree from an accredited college or university with a major in one of the chemical, physical, or biological sciences and shall complete the educational, clinical, and employment experience requirements, if any, necessary to be eligible for and successfully complete a nationally recognized certification examination in a laboratory specialty, all of which are approved by the board upon recommendation by the committee.

C. Each applicant for licensure as a clinical laboratory scientist-technician shall meet one of the following requirements:

(1) Successfully fulfill the requirements of an accredited educational program for an associate degree in clinical laboratory science and successfully complete a nationally recognized certification examination approved by the board upon recommendation by the committee.

(2) Complete the educational, clinical, and employment experience requirements, if any, necessary to be eligible for and successfully complete a nationally recognized certification examination, all of which are approved by the board upon recommendation by the committee.

D. Each applicant for licensure as a cytotechnologist shall meet one of the following

requirements:
(1) Possess a baccalaureate degree from an accredited college or university, fulfill the educational requirements necessary to enroll in a school of cytotechnology, complete one full year of full-time cytotechnology experience or its equivalent in an approved school of cytotechnology, and successfully complete a nationally recognized certification examination, as approved by the board upon recommendation by the committee. The required year of full-time cytotechnology experience may be included in the curriculum for the baccalaureate degree or may be post-graduate.
(2) Complete the educational, clinical, and employment experience requirements necessary to be eligible for and successfully complete a nationally recognized certification examination, all of which are approved by the board upon recommendation by the committee.
(3) Meet the requirements for licensure without examination as provided in R.S. 37:1319.
E.(1) Each applicant for licensure as a laboratory assistant shall, at a minimum, possess a high school diploma or its equivalent and document training as evidence of competency in basic laboratory science. Prior to a laboratory assistant performing a moderate complexity test, he shall document to his employer or laboratory director evidence of competency and training appropriate for that specific testing. Any documentation which satisfies the corresponding qualifications of the Clinical Laboratory Improvement Amendments of 1988 shall satisfy the documentation requirement of this Section.
(2) Such demonstration of competency, at a minimum, shall include documentation of training appropriate for the testing performed prior to analyzing patient specimens. Such training shall ensure that the individual applicant has all of the following:
(a) The skills required for proper specimen collection, including patient preparation, if applicable, labeling, handling, preservation or fixation, processing or preparation, transportation and storage of specimens.
(b) The skills required for implementing all standard laboratory procedures.
(c) The skills required for performing each test method and for proper instrument use.
(d) The skills required for performing preventive maintenance, troubleshooting and calibration procedures related to each test performed.
(e) A working knowledge of reagent stability and storage.
(f) The skills required to implement the quality control policies and procedures of the laboratory.
(g) An awareness of the factors that influence test results.
(h) The skills required to assess and verify the validity of patient test results through the evaluation of quality control sample values prior to reporting patient test results.
(3) The committee and the board, upon good cause shown, may request a copy of the documentation of training appropriate for the performance of moderate complexity laboratory testing to be furnished by a laboratory assistant's employer or laboratory director.
F. Each applicant for certification as a phlebotomist shall meet one of the following requirements:
(1) Fulfill the educational, clinical and employment experience requirements, if any, necessary to be eligible for and successfully complete a nationally recognized certification examination, all of which are approved by the board upon recommendation by the committee.
(2) Successfully fulfill the requirements of a training program as a phlebotomist approved by the board upon recommendation of the committee and successfully complete a certification examination approved or written and administered by the board and the committee.

Acts 1993, No. 396, §2, eff. Aug. 1, 1993.

§1324. License in training

A. The board upon the recommendation of the committee, shall issue a license in training to an individual who has not fulfilled the educational requirements to take a license examination or needs to obtain full-time comprehensive experience under supervision, or both, in any license category. A license in training shall allow an individual to engage in the practice of clinical laboratory science under supervision. The length of duration of each such license in training, its renewal, if any, and the specific requirements for appropriate supervision for each category of licensure shall be established by the board upon the recommendation of the committee by the promulgation of rules and regulations. The fees for issuing a license in training for each category of licensure established by this Part shall be governed by the provisions of R.S. 37:1321.

B. An applicant who is certified by a national certification agency recognized by the board, but who has not engaged in the practice of clinical laboratory science within the last ten years and has not maintained the continuing education requirements as approved by the board, upon recommendation of the committee, shall be granted a license in training to engage in the practice of clinical laboratory science in the category for which he is otherwise qualified until the supervised retraining period and the continuing education requirements as approved by the board are completed.

Acts 1993, No. 396, §2, eff. Aug. 1, 1993.

§1325. Issuance of license or certificate

If an applicant meets the requirements of this Part, the board shall issue the applicant a license or certificate to practice clinical laboratory science within the specific category of licensure or certification for which the applicant qualifies as defined in this Part.

Acts 1993, No. 396, §2, eff. Aug. 1, 1993.

§1326. Causes for denial, suspension, probation, restriction, or revocation of a license or certificate or license or certificate renewal

A. The board, upon the recommendation of the committee, may deny, suspend, probate, restrict, or revoke the issuance or renewal of a license or certificate, after notice and an opportunity for a hearing pursuant to the Administrative Procedure Act, upon a preponderance of evidence showing any of the following when such activity is not authorized by the provisions of this Part:

(1) Performing, attempting to perform, or permitting anyone to perform any clinical laboratory procedure or category of procedures not authorized by license or certificate.

(2) Demonstrating incompetence in the performance of the practice of clinical laboratory science.

(3) Dishonest or false reporting of laboratory test results.

(4) Conviction of any crime arising out of or connected to the practice of clinical laboratory science after all suspensive appeals have been exhausted.

(5) Having been adjudged incompetent.

(6) Fraud or deceit in procuring or attempting to procure a license or certificate to engage in the practice of clinical laboratory science.

(7) Violating or helping someone else violate any provision of this Part or any rule or regulation promulgated hereunder.

(8) Failing to successfully complete the licensing or certifying examination or continuing education requirements in the category for which applicant sought licensure or certification.

(9) Intentional violation of any federal or state law, parish or municipal ordinance, the state sanitary code, or rule or regulation relative to any contagious or infectious disease, or any other public health matter.

B. The board, upon the recommendation of the committee, may reinstate any license or certificate suspended, probated, restricted, or revoked.

C. The board, upon the recommendation of the committee, or as a condition of the reinstatement of any license or certificate suspended, probated, restricted, or revoked, may require any licensee or certificate holder to pay all costs of the committee or board proceedings, including any investigator, clerical, or attorney's fees.

D. The board's final decision in an adjudication proceeding under this Section, other than by consent order, agreement, or other informal disposition, shall constitute a public record.

Acts 1993, No. 396, §2, eff. Aug. 1, 1993.

§1327. Penalties

Any individual who engages or attempts to engage in the practice of clinical laboratory science who has not been licensed or certified in accordance with this Part, shall be guilty of a misdemeanor and subjected to the following penalties for violation of any provision of this Part:

(1) For the first offense, the fine shall not be more than five hundred dollars.

(2) For the second offense, the fine shall not be more than one thousand dollars.

(3) For the third and each subsequent offense, the fine shall not be more than two thousand dollars for each offense.

Acts 1993, No. 396, §2, eff. Aug. 1, 1993.

§1328. Injunction

A. In addition to the actions and penalties otherwise provided for by this Part, the board, upon the recommendation of the committee, may petition a court of competent jurisdiction to issue an injunction, with bond, enjoining any individual from violating or continuing to violate any provision of this Part.

B. In the suit for an injunction, the board, upon the recommendation of the committee, may demand that the defendant pay reasonable attorney's fees and the costs of court. The judgment for attorney's fees and court costs may be rendered in the same judgment in which the injunction is made permanent.

Acts 1993, No. 396, §2, eff. Aug. 1, 1993.

§1329. Construction of provisions

A. The provisions of this Part shall not authorize any individual to practice medicine, surgery, osteopathy, or midwifery or to provide the services of a physician licensed to practice medicine, surgery, or osteopathy by the board. The provisions of this Part shall not be construed to repeal or in any manner affect the provisions of any law relating to the practice of medicine, surgery, osteopathy, or midwifery.

B. Nothing in this Part shall be construed to regulate any health care provider, certified or licensed by the state or otherwise exempted by the board, when acting within the scope of his practice.

Acts 1993, No. 396, §2, eff. Aug. 1, 1993.